

HB 1769-FN - AS INTRODUCED

2026 SESSION

26-3146
07/09

HOUSE BILL **1769-FN**

AN ACT relative to certain prohibitions on abortion referrals by publicly funded medical facilities.

SPONSORS: Rep. Farrington, Straf. 8; Rep. Notter, Hills. 12; Rep. M. Pearson, Rock. 34; Rep. Sellers, Graf. 10; Rep. Thibault, Merr. 25; Rep. Granger, Straf. 2; Rep. Bennett, Rock. 4; Rep. Sabourin dit Choiniere, Rock. 30; Sen. Avard, Dist 12

COMMITTEE: Judiciary

ANALYSIS

This bill:

I. Prohibits certain medical facilities that receive funding from the state from referring certain patients for an abortion.

II. Permits taxpayers to sue medical facilities or the state in instances where certain medical facilities that receive state funding refer certain patients for an abortion.

III. Permits a mother or certain family members to sue medical facilities or the state in instances where certain medical facilities that receive state funding refer the mother for an abortion.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to certain prohibitions on abortion referrals by publicly funded medical facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Public Funding and Abortion Referrals. Amend RSA 329 by inserting after
2 section 50 the following new subdivision:

3 Public Funding and Abortion Referrals

4 329:50-a Definitions.

5 I. "Abortion" shall have the same meaning as provided in RSA 132:32, I.

6 II. "Medical facility" shall have the same meaning as provided in RSA 329:43, VI.

7 III. "Health care provider" shall have the same meaning as provided in RSA 329:43, VII.

8 IV. "Medical emergency" shall have the same meaning as provided in RSA 329:44, III.

9 V. "Pregnancy resource center" means a private nonprofit facility that provides pregnancy
10 counseling, material support, or medical care to pregnant women but does not perform abortions or
11 make referrals to abortion providers.

12 329:50-b Prohibition.

13 I. Notwithstanding any other provision of law to the contrary, no medical facility owned or
14 operated by an entity that receives contractual payments, grants, or other funding from this state,
15 any agency or subdivision thereof, any municipality, or any health care provider employed by or at
16 such a facility, shall refer any patient for an abortion unless:

17 (a) Any health care provider attending the patient reasonably believes that the patient
18 is experiencing a medical emergency associated with the pregnancy; or

19 (b) A health care provider attending the patient also provides the patient with a referral
20 to a pregnancy resource center.

21 II. A referral to a pregnancy resource center shall satisfy subparagraph I(b) whether or not
22 the provider informs the patient that state law requires the referral. The provider may refer the
23 patient to a pregnancy resource center of the provider's choice or to the closest pregnancy resource
24 center.

25 III. No public body shall enter into any contract with, or make any grant or other payment
26 to, any recipient organization that refers for abortions except as provided in paragraph I. Any
27 recipient organization that has, at any time, referred patients for abortions shall, as a condition of
28 receiving any contract, grant, or other public funds from a public body, submit an affidavit stating its
29 intent to comply with RSA 329:50-b, I. The public body shall retain the affidavit for not less than 2
30 years. The affidavit shall be signed under oath by an authorized agent of the recipient organization.

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1 329:50-c Penalties.

2 I. Any contract made in violation of RSA 329:50-b shall be voided as a matter of law and
3 policy and any court of competent jurisdiction shall order full rescission of the contract.

4 II. A taxpayer aggrieved by a violation of RSA 329:50-b shall have standing to challenge the
5 violation under RSA 491:22, I, and shall be entitled to declaratory relief, injunctive relief, and
6 reasonable attorney's fees in superior court against the public entity that entered into the contract or
7 provided the payment. If the court finds that the public entity acted in willful disregard for the law,
8 the taxpayer shall be further entitled to punitive damages in an amount determined by the trial
9 court.

10 329:50-d Severability. If any provision of this subdivision or the application thereof to any
11 person or circumstances is held invalid, such invalidity shall not affect other provisions or
12 applications of the subdivision which can be given effect without the invalid provision or application.
13 This subdivision shall retain its purpose and effect to the maximum extent permitted under the state
14 and federal constitutions, whether through the severance of provisions or applications, judicial
15 injunction or construction, or any other just and proper remedy.

16 2 Effective Date. This act shall take effect January 1, 2027.

HB 1769-FN- FISCAL NOTE
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AN ACT relative to certain prohibitions on abortion referrals by publicly funded medical facilities.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund(s)</i>	None			
Expenditures*	\$0	\$5,000 - \$50,000	\$10,000 - \$100,000	\$10,000 - \$100,000
<i>Funding Source(s)</i>	None			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill stipulates that any medical facility owned or operated by an entity receiving contractual payments, grants, or other state or municipal funding shall not refer any patient for an abortion unless the patient is experiencing a medical emergency. The Department of Health and Human Services states that it will need to modify existing contracting practices to incorporate new compliance requirements into sub-recipient monitoring. Additional responsibilities are likely, including verifying attestations when hiring new health care professionals and tracking changes in employees' job duties to ensure continued compliance monitoring and contractual oversight. Implementation will require updates to contracting and sub-recipient monitoring procedures. The Department assumes it will incur costs of between \$10,000 and \$100,000 in order to fulfill these responsibilities. As the bill is effective January 1, 2027, this fiscal note assumes the impact in FY27 will be half that of a full year.

The New Hampshire Municipal Association states there will be indeterminable municipal administrative costs of under \$10,000 per municipality associated with reviewing whether medical facilities currently receiving contractual payments, grants, or other funding are in compliance with this bill. There may be additional costs if a municipality has to terminate an existing contract and obtain similar (non-abortion-related) services from another medical facility or through an expansion of municipal services. In addition, the Association states that the bill increases the legal liability for municipalities, which may increase insurance and legal expenses. The Association notes that even if a municipality exercises due diligence to ensure medical facilities to which it provides contractual payments, grants, or other funding, the municipality may still be exposed to litigation if a rogue provider at a medical facility otherwise in compliance with this bill makes an unauthorized referral.

AGENCIES CONTACTED:

Department of Health and Human Services and New Hampshire Municipal Association